

AMENDED IN SENATE MAY 11, 2006
AMENDED IN SENATE MARCH 21, 2006
AMENDED IN ASSEMBLY MAY 9, 2005
AMENDED IN ASSEMBLY MAY 2, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1457

Introduced by Assembly Member Baca

February 22, 2005

An act relating to state property, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1457, as amended, Baca. State property: transfer restrictions: City of San Bernardino.

In 1991, the State of California, through the Director of General Services, conveyed certain real property to the City of San Bernardino on the condition that it only be used for park purposes in perpetuity unless the Legislature, by specific act, permitted other use, sale, or disposition of that property. The deed was recorded on January 15, 1992, and transferred to the city 9 specified parcels known as the Seccombe Lake Park within the County of San Bernardino.

This bill would authorize the City of San Bernardino to transfer the property to the Redevelopment Agency of the City of San Bernardino for sale for private development provided that specified conditions are met, including, among other things, that equivalent acreage is acquired within reasonable proximity to Seccombe Lake Park *and that the*

Department of General Services reviews and approves the appraisal, conveyance, and acquisition documents.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature authorizes, pursuant to the
2 requirements of that certain quit claim deed to the City of San
3 Bernardino dated December 5, 1991, and recorded on January
4 15, 1992, as No. 92-016139, and also known as the Seccombe
5 Lake Park, the City of San Bernardino to transfer all or any
6 portion of the property so conveyed to the Redevelopment
7 Agency of the City of San Bernardino for sale for private
8 development purposes, provided that the sale meets all of the
9 following conditions:

10 (1) *The City of San Bernardino does both of the following:*

11 (A) *Complies with the Public Park Preservation Act of 1971*
12 *(Chapter 2.5 (commencing with Section 5400) of Division 5 of*
13 *the Public Resources Code), and submits to the Department of*
14 *Parks and Recreation evidence of compliance, including, but not*
15 *limited to, a copy of the recorded deed and title policy for, and*
16 *map of, the substitute park land required pursuant to that act.*

17 (B) *Submits a revised map of Seccombe Lake Park, with the*
18 *revised acreage to the Department of Parks and Recreation.*

19 ~~(1)~~

20 (2) The City of San Bernardino and the Redevelopment
21 Agency of the City of San Bernardino acquire equivalent acreage
22 within reasonable proximity to Seccombe Lake Park.

23 ~~(2)~~

24 (3) The City of San Bernardino and the Redevelopment
25 Agency of the City of San Bernardino prepare a detailed land
26 plan showing which specific parcels of the property referred to in
27 this section will be sold and which properties elsewhere in the
28 City of San Bernardino will be acquired with the proceeds of the
29 sale as replacement parkland.

30 ~~(3)~~

1 (4) The land plan and the environmental review demonstrate
2 that there is no net loss in park acreage as a result of the
3 implementation of the plan. If the sale of property referred to in
4 this section and the acquisition of replacement parkland as
5 authorized by paragraph (1) results in any net loss of parkland
6 within the City of San Bernardino, the City of San Bernardino
7 shall acquire or dedicate additional parkland within the City of
8 San Bernardino to compensate for that loss and shall dedicate in
9 perpetuity the additional land for park purposes.

10 ~~(4)~~
11 (5) The City of San Bernardino conducts a public hearing
12 before the city council for the purpose of review of the land plan
13 and for taking public comment. The hearing shall be scheduled
14 for a specific time during a regularly scheduled meeting of the
15 city council and shall be separately noticed and publicized.

16 ~~(5)~~
17 (6) The City of San Bernardino or the Redevelopment Agency
18 of the City of San Bernardino, prior to closing any real property
19 transactions with respect to any sales pursuant to the land plan,
20 shall submit an independent appraisal of the land to be sold and
21 the land to be acquired, to the Department of ~~Parks and~~
22 ~~Recreation~~ *General Services* for concurrence with state appraisal
23 standards. This appraisal shall be made available to the public.

24 ~~(6)~~
25 (7) All land acquired or dedicated, including land previously
26 acquired by the state and transferred to the City of San
27 Bernardino, other than land identified for sale pursuant to the
28 land plan, shall be protected in perpetuity by recordation of
29 public park use restrictions at the time of purchase or dedication,
30 and, in the case of properties previously acquired from the state
31 that are intended to remain public parkland, within 60 days after
32 approval of the land plan by the City of San Bernardino. The City
33 of San Bernardino shall not sell or acquire land pursuant to this
34 section unless and until the council approves the land plan
35 specified in paragraph (2) *and the Department of General*
36 *Services reviews and approves the appraisal, conveyance, and*
37 *acquisition documents. The city shall reimburse the Department*
38 *of General Services and the Department of Parks and Recreation*
39 *for any costs or expenses associated with their review and*

1 *approval of the appraisal, conveyance, and acquisition*
2 *documents.*

3 (b) All transactions that occur pursuant to this section shall
4 comply with the California Environmental Quality Act (Division
5 13 (commencing with Section 21000) of the Public Resources
6 Code).

7 SEC. 2. This act is an urgency statute necessary for the
8 immediate preservation of the public peace, health, or safety
9 within the meaning of Article IV of the Constitution and shall go
10 into immediate effect. The facts constituting the necessity are:

11 In order that the people of the state may have the benefit of a
12 more appropriate use of existing park and open-space lands as
13 soon as possible, it is necessary that this act take effect
14 immediately.